

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1

2004 OCT 14 A 10: 30

JOYCE DICKESON,

PLAINTIFF,

VS.

CRG HOLDINGS, LLC D/B/A
CAVCO HOME CENTER,

DEFENDANT.

S A 04 CA 0921



NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS:

1. CRG HOLDINGS, LLC D/B/A CAVCO HOME CENTER is Defendant in a civil action filed on September 1, 2004, in the 408th Judicial District Court of Bexar County, Texas, entitled *Joyce Dickeson v. C.R.G. Holdings, L.L.C. d/b/a Cavco Home Center*, bearing Cause Number 2004-CI-13383, a copy of the 407th Judicial District Court's file is attached hereto as Appendix "A" which is proceeded by an index listing all documents in said file.

2. The Original Petition was filed on September 1, 2004. A copy of the citation and petition in this action was received by the Defendant on September 21, 2004. This Notice of Removal is filed within thirty days of the receipt by Defendant of an Order, Petition, or Complaint from which it may first be ascertained that the case is one which is or has become removable. Furthermore, this Notice of Removal is being filed within one year after commencement of the action. Therefore, this Notice of Removal is timely filed pursuant to 28 U.S.C. §1446(b).

NOTICE OF REMOVAL
SOR/SSB/13028-028/CENTEX/DICKESON/REMOVAL.FEDCOURT
PAGE 1 OF 3

1.

3. Defendant is informed and believes that Plaintiff JOYCE DICKESON was, and still is, a citizen of the state of Texas. Defendant CRG HOLDINGS, LLC D/B/A CAVCO HOME CENTER was, at the time of the filing of this action, and still is, a Delaware limited liability company, having its principal place of business in the State of Arizona.

4. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1332, and is one which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. §1441(b) in that it is a civil action between citizens of different states premised upon a good faith belief that the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs because:

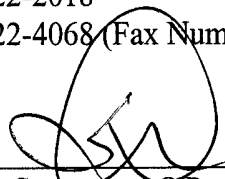
- (1) Plaintiff seeks the recovery of medical care and expenses in the past and future; and
- (2) Plaintiff seeks damages for physical pain and suffering, mental anguish and physical impairment.

WHEREFORE, PREMISES CONSIDERED, Defendant CRG HOLDINGS, LLC D/B/A CAVCO HOME CENTER removes this action pursuant to 28 U.S.C. §1446 from the 408th Judicial District Court of Bexar County, Texas.

Respectfully submitted,

SHADDOX, COMPERE, WALRAVEN & GOOD
1250 N.E. Loop 410, Suite 725
San Antonio, Texas 78209
210/822-2018
210/822-4068 (Fax Number)

By



STEPHANIE O'ROURKE
State Bar No. 15310800

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing NOTICE OF REMOVAL has been sent via certified mail, return receipt requested, on this the 14th day October 2004, to:

ATTORNEYS FOR PLAINTIFF

James A. Rickerson
Attorney at Law
126 E. Main Plaza
San Antonio, Texas 78205



STEPHANIE O'ROURKE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOYCE DICKESON,

PLAINTIFF,

VS.

CRG HOLDINGS, LLC D/B/A
CAVCO HOME CENTER,

DEFENDANT.

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CIVIL ACTION No. _____

APPENDIX "A"

1. Plaintiff's Original Petition
2. Affidavit of Inability - Pauper's Oath
3. Citation directed to Defendant, CRG Holdings, LLC d/b/a Cavco Home Center
4. Notice of Service of Process on Defendant CRG Holdings, LLC
5. Original Answer of Defendant, CRG Holdings, LLC d/b/a Cavco Home Center
6. Notice of Removal

Exhibit "1"

200409113383

DISTRICT CLERK
BEXAR CO. TEXASJOYCE DICKESON
Plaintiff,

2004 SEP -1 PM 4:33

V.

DEPUTY

IN THE DISTRICT COURT

408th

JUDICIAL DISTRICT

C.R.G. HOLDINGS, L.L.C. d/b/a
CAVCO HOME CENTER
Defendants.

OF BEXAR COUNTY, TEXAS

RECEIVED
SEP 22 2004**PLAINTIFF'S ORIGINAL PETITION****TO THE HONORABLE JUDGE OF SAID COURT:**

NOW COMES JOYCE DICKESON, hereinafter called Plaintiff, complaining of and about C.R.G. HOLDINGS, L.L.C., d/b/a CAVCO HOME CENTER, hereinafter called Defendants, and for cause of action would show unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

PARTIES AND SERVICE

2. Plaintiff, JOYCE DICKESON, is an Individual whose address is 4510 CR 3841, San Antonio, Texas 78253.

3. Defendant C.R.G. HOLDINGS, L.L.C., d/b/a CAVCO HOME CENTER, a Limited Liability Company based in Texas, may be served with process by serving its registered agent of said company at its registered office. Service of said Defendant as described above can be effected by certified mail, return receipt requested.

JURISDICTION AND VENUE

4. The subject matter in controversy is within the jurisdictional limits of this court.
5. This court has jurisdiction over the parties because Defendants are Texas residents.
6. Venue in Bexar County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

FACTS

7. On or about September 1, 2002, Plaintiff, while a resident in a home manufactured by defendants for the purposes and in the manner in which manufactured homes are intended to be used, suddenly and without warning fell after the area in which the manufactured home was joined together buckled causing the conjoined area to rise, injuring Plaintiff.

LIABILITY OF DEFENDANT

8. Defendant C.R.G. HOLDINGS, L.L.C., d/b/a CAVCO HOME CENTER was, at all times mentioned herein a limited liability company doing business under the laws of the State of Texas, and was engaged in the manufacture and sale of the home, the subject of this suit, which was sold in state of Texas for the purpose of residential living..

9. Plaintiff would show the court that the occurrence made the basis of this suit and the resulting injuries and damages set out below were a direct and proximate result of Defendant's negligence in one or more of the following respects, or by combination thereof:

- a. in failing to inspect the home for defects, including but not limited to unevenness along the marriage line, and/or workmanship which caused Plaintiff's injuries;
- b. in failing to properly warn Plaintiff about the dangerous condition of the premises;

10. Defendant was negligent, in the following respects:

- a. Failing to use due care in the manufacture;
- b. Failing to use due care in the design of the home;
- c. Failing to use due care to test and/or inspect the premises prior to the sale of the home as residential in order to determine its durability and function ability for the purpose for which it was intended.

11. In addition, Defendant expressly and impliedly warranted to the public generally, that the home, the subject of this suit, was of merchantable quality and was safe and fit for the purpose intended when used under ordinary conditions and in an ordinary manner. Plaintiff relied upon these implied warranties and suffered the injuries and damages set forth below as a proximate result of the breach of these warranties.

12. Plaintiff would show the court that Defendant was negligent in designing the home, the subject of this suit.

13. Plaintiff cannot more specifically allege the act of negligent design on the part of Defendant aside from Defendant's failure to design the home in question in a manner which would have prevented it from buckling and rising, for the reason that facts in that regard are peculiarly within the knowledge of Defendant. In the alternative, in the event Plaintiff is unable to prove specific acts of negligent design, Plaintiff relies on the doctrine of Res Ipsa Loquitur.

14. In this connection, Plaintiff will show the court that the design of the Defendant was within the exclusive control of Defendant. Plaintiff had no means of ascertaining the method or manner in which the product was designed, and it was used by Plaintiff in the manner in which it was intended.

15. The occurrence causing harm to Plaintiff, as described above, was one which, in the ordinary course of events, would not have occurred without negligence on the part of Defendant. Thus, Defendant was negligent in the design of the home which negligence was a proximate cause of the injuries and damages sustained by Plaintiff.

16. At all times material hereto, all of the agents, servants, and/or employees for Defendant who were connected with the occurrence made the subject of this suit, were acting within the course and scope of their employment or official duties and in furtherance of the duties of their office or employment. Therefore, Defendant is further liable for the negligent acts and omissions of their employees under the doctrine of Respondeat Superior.

PROXIMATE CAUSE

17. Each and every, all and singular of the foregoing acts and omissions, on the part of Defendants, taken separately and/or collectively, constitute a direct and proximate cause of the injuries and damages set forth below.

DAMAGES FOR PLAINTIFF, JOYCE DICKESON

18. As a direct and proximate result of the occurrence made the basis of this lawsuit, and Defendants' acts as described herein, Plaintiff was caused to suffer personal injuries, including but not limited to a fractured humerus, shoulder and back pain, and to endure anxiety resulting in damages more fully set forth below.

19. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, has incurred the following damages:

- A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in Bexar County, Texas;
- B. Reasonable and necessary medical care and expenses which will, in all reasonable probability, be incurred in the future;
- C. Physical pain and suffering in the past;
- D. Mental anguish in the past;
- E. Physical pain and suffering in the future; and
- F. Physical impairment in the past.

20. By reason of the above, Plaintiff has suffered losses and damages in a sum within the jurisdictional limits of the Court and for which this lawsuit is brought.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendants, jointly and severally, for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

By: 

JAMES A. RICKERSON
Texas Bar No. 24003679
126 E. Main Plaza
SAN ANTONIO, Texas 78205
Tel. (210)223-1123
Fax. (210)223-7455
Attorney for Plaintiff
JOYCE DICKESON

PLAINTIFF HEREBY DEMANDS TRIAL BY JURY

Exhibit "2"

2004 CIL 3383
TAUPERS OATH**AFFIDAVIT OF
INABILITY****THE STATE OF TEXAS,****408th****COUNTY OF BEXAR****PROCESS
C.R.**

BEFORE ME, the undersigned authority, on this day personally appeared **JOYCE DICKESON, Plaintiff**, who, being by me duly sworn, on oath stated as follows:

"My name is **JOYCE DICKESON**. I am the **Plaintiff** in the above-referenced cause.

"My monthly income consists of **\$890.00** per month.

"I am not employed.

"I receive no child support.

"I receive social security payments of **\$890** per month.

"I receive no public assistance payments.

"I have no other income.

"I own no real estate.

"I own no stocks or bonds.

"I own no other property.

"I currently have **\$20** in cash.

"I have **\$0** in checking or savings accounts.

"I have no dependent(s).

"I have debts in the total sum of **\$3000**.

"I have approximately **\$750.00** in monthly expenses.

"I am represented by legal counsel at no cost to me.

"After consultation with my attorney, I believe that I have a meritorious claim.

"I am unable to pay the court costs.

"I verify that the statements made in this affidavit are true and correct."

Joyce M. Dickeson
JOYCE DICKESON

SUBSCRIBED AND SWORN TO BEFORE ME, on

September 17, 2004



[Signature]
NOTARY PUBLIC, State of Texas

Exhibit "3"

CERTIFIED MAIL #71603901984214186188

"The State of Texas"

NO. 2004-CI-13383JOYCE DICKESONPlaintiff
vs.CRG HOLDINGS INC ET AL

Defendant

(Note: Attached Document May Contain Additional Litigants.)

NOTICE**Citation Directed to:** CRG HOLDINGS LLC DBA CAVCO HOME CENTER

IN THE DISTRICT COURT

408th JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

**AFFIDAVIT OF
INABILITY**BY SERVING ITS REGISTERED AGENT, CORPORATION SERVICE COMPANY
701 BRAZOS ST 1050
AUSTIN TX 78701-3258

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you." Said petition was filed on the 1st day of September, 2004.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 17th DAY OF September A.D., 2004.

PLAINTIFF'S ORIGINAL PETITION

MARGARET G. MONTEMAYOR
District Clerk of Bexar County, Texas
Bexar County Courthouse
San Antonio, Texas 78205By Yvette Gonzales Deputy
YVETTE GONZALESJAMES A RICKERSONAttorney/PLAINTIFF
address126 E MAIN PLZ
SAN ANTONIO, TX 78205-2745**OFFICER'S RETURN**

Came to hand on the 17th day of September, A.D., 2004 at 1:50 o'clock P.M. and EXECUTED (NOT EXECUTED) by CERTIFIED MAIL, on the _____ day of _____, A.D., _____, by delivering to _____ a true copy of this citation _____, upon which I endorsed the date of delivery, together with the accompanying copy of the PLAINTIFF'S ORIGINAL PETITION

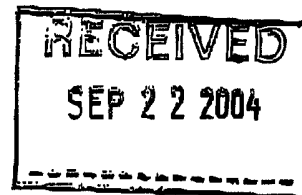
Cause of failure to execute this _____ is _____

MARGARET G. MONTEMAYOR
Clerk of the District Courts of
Bexar County, TexasBy _____ Deputy
YVETTE GONZALESORIGINAL
(DK003)

Exhibit "4"



CORPORATION SERVICE COMPANY

**Notice of Service of Process**NTP / ALL
Transmittal Number: 3667773
Date Processed: 09/21/2004

Primary Contact: Mr. Raymond Smerge
Centex Corporation
2728 N. Harwood
Mailroom No. 209
Dallas, TX 75201-1516

*Ans. Due
Oct. 18*

Entity:	CRG Holdings, LLC Entity ID Number 1739275
Entity Served:	CRG Holdings LLC dba Cavco Home Center
Title of Action:	Joyce Dickeson vs. CRG Holdings LLC dba Cavco Home Center
Document(s) Type:	Citation/Petition
Nature of Action:	Personal Injury
Court:	Bexar District Court , Texas
Case Number:	2004-CI-13383
Jurisdiction Served:	Texas
Date Served on CSC:	09/21/2004
Answer or Appearance Due:	10:00 am Monday next following the expiration of 20 days after service
Originally Served On:	CSC
How Served:	Certified Mail
Plaintiff's Attorney :	James A Rickerson 210-223-1123

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC.
2711 Centerville Road Wilmington, DE 19808 (888) 690-2882 | sop@cscinfo.com

Exhibit "5"

COPY

FILED
DISTRICT CLERK
SEP 29 PM 3:34
CLERK

CAUSE NUMBER 2004-CI-13383

JOYCE DICKESON,

PLAINTIFF,

VS.

C.R.G. HOLDINGS, L.L.C. D/B/A
CAVCO HOME CENTER,

DEFENDANT.

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IN THE DISTRICT COURT

408TH JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

**ORIGINAL ANSWER OF DEFENDANT,
C.R.G. HOLDINGS, L.L.C. D/B/A CAVCO HOME CENTER**

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes CRG HOLDINGS L.L.C. D/B/A CAVCO HOME CENTER, Defendant herein, and files this, its Original Answer to Plaintiff's Original Petition, and would show the Court as follows:

I.

Defendant, CRG HOLDINGS L.L.C. D/B/A CAVCO HOME CENTER, generally denies the allegations contained within Plaintiff's Original Petition and demands strict proof thereof by a preponderance of the evidence, as provided by Rule 92, Texas Rules of Civil Procedure.

WHEREFORE, PREMISES CONSIDERED, CRG HOLDINGS L.L.C. D/B/A CAVCO HOME CENTER prays that upon final trial the Court will enter a take-nothing judgment against the Plaintiff and in favor of this Defendant, and for such other and further relief to which it may be justly entitled.

Respectfully submitted,

SHADDOX, COMPERE, WALRAVEN & GOOD
1250 N.E. Loop 410, Suite 725
San Antonio, Texas 78209
210/822-2018
210/822-4068 (Fax Number)

By



STEPHANIE O'ROURKE
State Bar No. 15310800

ATTORNEYS FOR DEFENDANT, CRG HOLDINGS
L.L.C. D/B/A CAVCO HOME CENTER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing ORIGINAL ANSWER OF DEFENDANT CRG HOLDINGS L.L.C. D/B/A CAVCO HOME CENTER has been sent via certified mail, return receipt requested, on this the 29th day September 2004, to:

ATTORNEYS FOR PLAINTIFF
James A. Rickerson
Attorney at Law
126 E. Main Plaza
San Antonio, Texas 78205



STEPHANIE O'ROURKE

Exhibit "6"

CAUSE NUMBER 2004-CI-13383

JOYCE DICKESON,	§	IN THE DISTRICT COURT
	§	
PLAINTIFF,	§	
	§	
VS.	§	408TH JUDICIAL DISTRICT
	§	
C.R.G. HOLDINGS, L.L.C. D/B/A	§	
CAVCO HOME CENTER,	§	
	§	
DEFENDANT.	§	BEXAR COUNTY, TEXAS

NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

Please take notice that the civil action captioned above, filed on September 1, 2004, in the 408th Judicial District Court of Bexar County, Texas, entitled *Joyce Dickeson v. C.R.G. Holdings, L.L.C. d/b/a Cavco Home Center*, Cause Number 2004-CI-13383, has been removed from that Court to the United States District Court for the Western District of Texas, San Antonio Division, effective October 14, 2004. On such date, a Notice of Removal, a copy of which is attached, was filed with the Clerk in the United States District Court, and a copy of that Notice has been filed with the Clerk of the State Court, effecting removal pursuant to 28 U.S.C. §1446.

Respectfully submitted,

SHADDOX, COMPERE, WALRAVEN & GOOD
1250 N.E. Loop 410, Suite 725
San Antonio, Texas 78209
210/822-2018
210/822-4068 (Fax Number)

By



STEPHANIE O'ROURKE
State Bar No. 15310800

ATTORNEYS FOR DEFENDANT, CRG HOLDINGS
LLC D/B/A CAVCO HOME CENTER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing NOTICE OF REMOVAL has been sent via certified mail, return receipt requested, on this the 14th day October 2004, to:

ATTORNEYS FOR PLAINTIFF
James A. Rickerson
Attorney at Law
126 E. Main Plaza
San Antonio, Texas 78205



STEPHANIE O'ROURKE